

REMARKS

This Response is submitted in reply to the Final Office Action dated April 16, 2008. Claims 1-26 are pending in the patent application. Claims 4, and 6-10 have been allowed. Claims 1, 11, 16, and 21 have been amended. These amendments are supported at least by Fig. 1 and column 4, lines 28 to 49 of the specification, and no new matter has been added by any of the amendments made herein. The Commissioner is hereby authorized to charge deposit account 02-1818 for the Request for Continued Examination and any fees which are due in connection with this Response.

The Office Action rejected Claims 1-3, 5, 11-26 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Specifically, the Office Action stated that “the internal air inlet including a second member, wherein if the mouth is position in the internal air inlet sufficiently far to position the first member interior of the second member” is new matter. Applicant respectfully disagrees and submits that these Claims are supported at least in the specification at column 4, lines 28-49. Nonetheless, Applicant has amended certain of these claims for clarification. Accordingly, such rejections are overcome. For at least the above reasons, it is respectfully submitted that this rejection should be withdrawn.

The Office Action rejected Claims 1-3, 5, 11-26 under 35 U.S.C. §112, second paragraph as being indefinite.

Regarding claims 1, 11, and 16, the Office Action stated that “the mouth including a first member upon the external surface of the mouth” and “the internal air inlet including a second member, wherein if the mouth is positioned in the internal air inlet sufficiently far to position the first member interior of the second member” are vague and indefinite because these features are not in the specification. Applicant respectfully disagrees and submits that these Claims are supported at least in the specification at column 4, lines 28-49. Nonetheless, Applicant has amended certain of these claims for clarification. Accordingly, such rejections are overcome. For at least the above reasons, it is respectfully submitted that this rejection should be withdrawn.

Regarding claim 5, the Office Action stated, "In claim 5, it's improper to recite a retaining means that is broader than the independent claim." The Office Action also argued that there is only one retaining means and that claim 5 is claiming something that is not in the application. Applicant respectfully disagrees and submits that in addition to the retaining cap bracket 28, the instant application also includes at least that retaining cap bracket 28 and neck 29 of canister 10 are both secured within an engine bracket 32. (See at least column 4, lines 33-36 and Fig. 1). Applicant therefore submits that claim 5 is not broader than independent claim 1 and that the features of claim 5 are fully supported in the specification. For at least the above reasons, it is respectfully submitted that this rejection should be withdrawn.

The Office Action stated, "In claim 21, it's unclear which continuous piece of material Applicant recites. The manifold 18 is not part of the engine cylinder." Applicant respectfully disagrees with this rejection, however to advance prosecution, Applicant has amended claim 21 for clarification. Applicant submits that the rejection of claim 21 has been overcome and it is respectfully submitted that this rejection should be withdrawn.

The Office Action rejected Claims 1-3, 11-13 and 16-18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,162,614 ("Holleyman"). Applicant respectfully disagrees.

Holleyman discloses a piston type power plant operable by a pressure fluid such as natural gas from a well or compressed air. In Holleyman, the power plant includes a pressure tank 28 that is connected to a check valve 36 on one end of the tank and an inlet manifold 38 on another end of the tank. Holleyman does not disclose further details on how the pressure tank is connected in the power plant. Thus, Applicant respectfully submits that Holleyman does not disclose or suggest a retaining cap bracket coupled to the intake manifold. Furthermore, Holleyman also does not disclose or suggest that the retaining cap bracket including therein an aperture for receiving the external surface of the mouth of the canister, wherein if the mouth is positioned in the aperture of the retaining cap bracket sufficiently far to position the external surface of the mouth interior of the retaining cap bracket, at least the external surface of the mouth and the retaining cap bracket at least temporarily secure the mouth to the intake manifold.

For at least the above reasons, it is respectfully submitted that Claim 1 and its dependent claims are each patentably distinguished from Holleyman and are in condition for allowance.

For similar reasons, it is respectfully submitted that Claims 11 and 16 and their respective dependent claims are each patentably distinguished from Holleyman and are in condition for allowance.

The Office Action rejected Claims 1, 3, 11-13 and 16-18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 819,653 ("Hawke"). Applicant respectfully disagrees.

Hawke discloses a toy motor vehicle designed for operation by compressed air. In Hawke, a tank 2 for storing compressed air is connected to an engine-cylinder 12 through supply pipe 14. Hawke also discloses that the tank 2 is connected to another supply pipe 39 that enables a pump to deliver a supply of air. Hawke does not disclose the specifics of how the tank is connected to the supply pipes 14 and 39. Applicant therefore submits that Hawke does not disclose or suggest a retaining cap bracket coupled to the intake manifold. Furthermore, Hawke also does not disclose or suggest that the retaining cap bracket including therein an aperture for receiving the external surface of the mouth of the canister, wherein if the mouth is positioned in the aperture of the retaining cap bracket sufficiently far to position the external surface of the mouth interior of the retaining cap bracket, at least the external surface of the mouth and the retaining cap bracket at least temporarily secure the mouth to the intake manifold.

For at least the above reasons, it is respectfully submitted that Claim 1 and its dependent claims are each patentably distinguished from Hawke and are in condition for allowance. For similar reasons, it is respectfully submitted that Claims 11 and 16 and their respective dependent claims are each patentably distinguished from Hawke and are in condition for allowance.

The Office Action rejected Claims 21-26 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,159,705 ("Jacoby"). Applicant respectfully disagrees.

The Office Action stated that Jacoby discloses an air engine comprising a cylinder 15 and a piston 22. However, as previously stated in the Response to Office Action of August 23, 2007, Applicant respectfully submits that Jacoby does not disclose an air engine. Jacoby merely discloses an air-powered cannon.

In Jacoby, element 15 is disclosed as a hollow barrel for guiding a projectile that leaves the hollow barrel. Applicant submits that an engine cylinder does not guide a projectile from leaving a hollow barrel, thus element 15 in Jacoby does not disclose an engine cylinder.

Jacoby also discloses that element 22 is a guided projectile that is discharged from the hollow barrel 15 and projected a distance of about 8 to 10 feet. Applicant submits that if a piston was discharged from an engine cylinder, the engine would not work, thus element 22 in Jacoby does not disclose an engine cylinder.

Applicant also submits that Jacoby does not disclose a retaining cap bracket including therein an aperture for receiving the external surface of the mouth of a canister. In Jacoby, the air-powered cannon includes a reservoir port 33 that is connected to a chamber 47. Jacoby further discloses that the reservoir port 33 enables a mouth 37 of a storage reservoir balloon 38 to wrap around the outside of a reservoir port 33. Applicant therefore submits that Jacoby does not disclose or suggest a retaining cap bracket coupled to the intake manifold or that the retaining cap bracket including therein an aperture for receiving the external surface of the mouth of the canister, wherein if the mouth is positioned in the aperture of the retaining cap bracket sufficiently far to position the external surface of the mouth interior of the retaining cap bracket, at least the external surface of the mouth and the retaining cap bracket at least temporarily secure the mouth to the intake manifold.

For at least these reasons, it is respectfully submitted that Claim 21 and its dependent claims are each patentably distinguished from Jacoby and are in condition for allowance.

The Office Action rejected Claims 1-3 and 11-26 and 16-18 under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 4,614,085 ("Neukomm") in view of U.S. Patent No. 4,329,806 ("Akiyama"). Applicant respectfully disagrees.

The Office Action stated that Neukomm does not disclose 1) air is the working fluid, and 2) the air canister is rechargeable in a working position. The Office Action relied on Akiyama to disclose a rechargeable air canister and valves having two channels. The Office Action concluded that it would have been obvious to combine Neukomm with Akiyama in order to achieve appropriate work output and because air is a less expensive source of energy and to allow the engine in Neukomm to recharge the air canister during operation.

Applicant submits that regardless of whether or not it would have been obvious to combine Neukomm with Akiyama, neither Neukomm or Akiyama individually or the combination discloses pneumatic engine that includes, among other elements, a retaining cap bracket coupled to the intake manifold or that the retaining cap bracket including therein an aperture for receiving the external surface of the mouth of the canister, wherein if the mouth is positioned in the aperture of the retaining cap bracket sufficiently far to position the external surface of the mouth interior of the retaining cap bracket, at least the external surface of the mouth and the retaining cap bracket at least temporarily secure the mouth to the intake manifold.

Neukomm discloses a gas powered engine. In Neukomm, the pressurized gas container is connected to a gas supply channel 14. The cartridge 13 containing liquefied gas is screwed to the crankshaft housing 4 by a sleeve 15. In Neukomm, the sleeve 15 fits around the outside of the cartridge 13. (As seen in Fig. 1). In other words, the sleeve 15 is not a retaining cap bracket that receives the mouth of the cartridge 13. Thus, Neukomm does not disclose a retaining cap bracket including an aperture for receiving the mouth of the canister and at least the external surface of the mouth and the retaining cap bracket at least temporarily secure the mouth to the intake manifold.

Akiyama discloses a fluid engine for pneumatic toys. In Akiyama, the fluid reservoir bottle 20 is connected to the engine by way of tubing (42 and 48) connected through valve member 46. In Akiyama, the fluid reservoir bottle 20 is remotely located from the engine. Thus, Akiyama does not disclose a retaining cap bracket including an aperture for receiving the mouth of the canister.

Applicants therefore submit that the combination of Neukomm and Akiyama does not disclose a retaining cap bracket coupled to the intake manifold or that the retaining cap bracket including therein an aperture for receiving the external surface of the mouth of the canister, wherein if the mouth is positioned in the aperture of the retaining cap bracket sufficiently far to position the external surface of the mouth interior of the retaining cap bracket, at least the external surface of the mouth and the retaining cap bracket at least temporarily secure the mouth to the intake manifold.

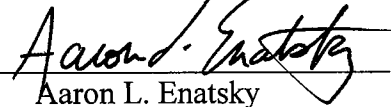
For at least the above reasons, it is respectfully submitted that Claim 1 and its dependent claims are each patentably distinguished from Neukomm in view of Akiyama and are in

condition for allowance. For similar reasons, it is respectfully submitted that Claims 11, 16, and 21 and their respective dependent claims are each patentably distinguished from Neukomm in view of Akiyama and are in condition for allowance.

In light of the above, Applicants respectfully submit that Claims 1-26 are patentable over the art of record. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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